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California Regional Water Quality Control Board

Los Angeles Region

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Gray Davis
Governor

Dan S. Palmer, Jr.
Hasley Canyon Land Company, L.L.C.
1299 Ocean Avenue, Suite 400
Santa Monica, CA 90401-1004

CONDITIONAL CERTIFICATION FOR PROPOSED HASLEY CANYON PROJECT (VTTM 52584), (CORPS' PROJECT NO. 2002-01191-JLB), HASLEY CANYON CREEK AND TWO UNNAMED EPHEMERAL DRAINAGES, TRIBUTARIES TO THE SANTA CLARA RIVER, CITY OF LOS ANGELES, LOS ANGELES COUNTY (FILE NO. 02-095)

Dear Mr. Palmer:

Regional Board staff has reviewed your request on behalf of the Hasley Canyon Land Company, L.L.C. (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 20, 2002.

I hereby certify that any discharge from the Hasley Canyon Project (VTTM 52584), as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Jason Lambert, Section 401 Program, at (213) 576-5733.

[Original Signed By:]

[September 11, 2002]

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information File No. 02-095

1. Applicant: Hasley Canyon Land Company, L.L.C.
1299 Ocean Avenue, Suite 400
Santa Monica, CA 90401-1004
Phone: (310) 576-6700 Fax: (310) 576-0888
2. Applicant's Agent: Martha Lowe
Environmental Science Associates
436 14th Street, Suite 600
Oakland, CA 94612-2727
Phone: (510) 839-5066 Fax: (510) 839-5825
3. Project Name: Hasley Canyon Project (VTTM 52584)
4. Project Location: City of Castaic, Los Angeles County
Township: T4N; Range: R17W
Latitude: N 34° 27' 50"; Longitude: W 118° 38' 00"
5. Type of Project: Residential development and Golf Course
6. Project Description:
Purpose: The purpose of this proposed project is to provide high-density housing in the Castaic Region. The 433-acre property will house 209 single-family homes and an 18-hole golf course. The 209 homes will encompass 85 acres, while the golf course will be located on 243 acres. 67.5 acres will be preserved as open space on the north end of the property.

Description: The proponent will construct three bridges as part of the golf course. One of the bridges will span over the Unnamed tributary #1 with footings outside of waters of the U.S. This bridge will be 10 feet wide and 20 feet long. The other two crossings will be over Hasley Canyon Creek. One bridge will be 130 feet long and 10 feet wide, and the other will be 55 feet long and 10 feet wide. The bridges will include pre-cast concrete footings along with a pre-fabricated span. The placement of the footings will be outside of Waters of the U.S.

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| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 39 (Permit No. 2002-01191-JLB) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement (Notification No. R5-2002-0241) |
| 9. California Environmental Quality Act (CEQA) Compliance: | The Los Angeles County Department of Regional Planning approved the project's Subsequent Final Environmental Impact Report on February 25, 2002. |
| 10. Receiving Water: | Hasley Canyon Creek and two unnamed ephemeral drainages, tributaries to Castaic Creek and the Santa Clara River (Hydrologic Unit No. 403.51) |
| 11. Designated Beneficial Uses: | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, and RARE |
| 12. Impacted Waters of the United States: | <i>Direct impacts</i>
Non-wetland waters (vegetated streambed): 0.020 permanent acres

<i>Indirect shading impacts</i>
Non-wetland waters (vegetated streambed): 0.053 permanent acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |

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15. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Project design avoids sensitive riparian habitat on-site to the greatest extent feasible with 25 foot vegetated buffers along intermittent streams; and
- Dedicated open space on the property will be protected through a conservation easement.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to enhance 3.2 acres of streambed/riparian habitat within waters of the U.S. onsite.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 02-095

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

ATTACHMENT B

Conditions of Certification File No. 02-095

4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore all areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.

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9. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.02 acres** and proposed indirect shading impacts to **0.053 acres** of jurisdictional Waters of the State by enhancing **3.2 acres** of riparian habitat. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
10. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
11. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-095**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
12. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
13. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
14. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

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- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
15. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification prior to its termination. Renewals may be granted in **five-year (5-year)** increments, may be subject to additional filing fees, and will require Regional Board approval. If the Applicant fails to request a renewal prior to the certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.